

TIMOTHY LEE EVANS, SR.,
Plaintiff,
v.
CAROLYN W. COLVIN,
Acting Commissioner of Social Security,
Defendant.

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error on the face of the record.

The court has reviewed de novo the portions of the M&R to which plaintiff objected. The scope of judicial review of a final decision regarding disability benefits under the Social Security Act, 42 U.S.C. § 405(g), is limited to determining whether substantial evidence supports the Commissioner's factual findings and whether the Commissioner applied the correct legal standards. See, e.g., Walls v. Barnhart, 296 F.3d 287, 290 (4th Cir. 2002); Hays v. Sullivan, 907 F.2d 1453, 1456 (4th Cir. 1990). Substantial evidence is evidence which a "reasonable mind might accept as adequate to support a conclusion." Richardson v. Perales, 402 U.S. 389, 401 (1971) (quotation omitted). It "consists of more than a mere scintilla of evidence but may be less than a preponderance." Smith v. Chater, 99 F.3d 635, 638 (4th Cir. 1996). This court may not reweigh the evidence or substitute its judgment for that of the Commissioner. See, e.g., Hays, 907 F.2d at 1456. Rather, in determining whether substantial evidence supports the Commissioner's decision, the court's review is limited to whether the Commissioner analyzed the relevant evidence and sufficiently explained her findings and rationale concerning the evidence. See, e.g., Sterling Smokeless Coal Co. v. Akers, 131 F.3d 438, 439–40 (4th Cir. 1997).

Plaintiff objects that Judge Gates erred in failing to find that the April 29, 2015, submission from plaintiffs' treating physician was new and material evidence. Compare [D.E. 24] 3–4, with M&R [D.E. 23] 18–19. Plaintiff's objections also restate the arguments made to Judge Gates concerning plaintiff's RFC. Compare [D.E. 17] 5–10, with [D.E. 24] 1–9. However, both Judge Gates and the ALJ applied the proper legal standards. Finally, plaintiff objects that the ALJ erred in analyzing SSR 96-8p. See [D.E. 24] 6–7. Judge Gates properly rejected this argument. See M&R at 19–24. Moreover, substantial evidence supports the ALJ's analysis. See M&R at 2–25. Accordingly, the court adopts the M&R and overrules the objections.

In sum, plaintiff's objections to the M&R [D.E. 24] are OVERRULED, plaintiff's motion for judgment on the pleadings [D.E. 16] is DENIED, defendant's motion for judgment on the pleadings [D.E. 18] is GRANTED, defendant's final decision is AFFIRMED, and this action is DISMISSED. The clerk shall close the case.

SO ORDERED. This 19 day of January 2017.


JAMES C. DEVER III
Chief United States District Judge